

BERNARD KOTEEN*
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MARGOT SMILEY HUMPHREY
PETER M. CONNOLLY
CHARLES R. NAFTALIN
GREGORY C. STAPLE
R. EDWARD PRICE
* SENIOR COUNSEL

LAW OFFICES
KOTEEN & NAFTALIN, L.L.P.
1150 CONNECTICUT AVENUE
WASHINGTON, D.C. 20036

RECEIVED

JAN 15 1998

TELEPHONE
(202) 467-5700
TELECOPY
(202) 467-5915
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

December 18, 1997

U.S. Mail, Return Receipt Requested

Shari Bowman
Heritage Reporting Corporation
1220 L Street, N.W.
Suite 600
Washington, DC 20005

Re: MM Docket No. 97-122; File Nos. BRFT-970129YC, BRFT-970129YD

Dear Ms. Bowman:

Enclosed for inclusion in the record of the above-referenced proceeding are the original and one copy of the following exhibits which previously have been accepted into evidence in:

Turro Exhibit No. 33,
Turro Exhibit No. 34, and
Turro Exhibit No. 37A.

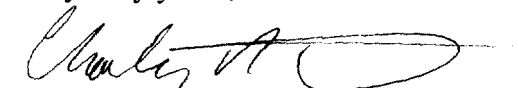
In addition, enclosed are a Motion to Receive Exhibits and two copies each of the following:

Turro Exhibit No. 38,
Turro Exhibit No. 39, and
Turro Exhibit No. 40.

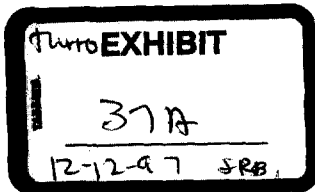
Please include these exhibits in the record as well. In the unlikely event that the Judge denies this Motion and Turro Exhibit Nos. 38, 39 and 40 are not received into the record, I will inform you in writing promptly by asking you to withdraw them.

In the event that there are any questions, please communicate with the undersigned.

Very truly yours,


Charles R. Naftalin

Enclosures



DOCKET FILE CO. ORIGINAL

MAY - 1 1995

LAW OFFICES
KOTEEN & NAFTALIN
1150 CONNECTICUT AVENUE
WASHINGTON, D.C. 20036

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BERNARD KOTEEN
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TELEPHONE
(202) 467-5700
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(202) 467-5555

May 1, 1995

#2
Jm

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

MAY 1 1995
FM EXAMINERS

Dear Mr. Caton:

Transmitted herewith, in triplicate, on behalf of Monticello Mountaintop Broadcasting, Inc., permittee of FM broadcast station WJUX (formerly WXTM), Monticello, New York, is an amendment to that station's pending application for a license to cover its construction permit. The File Number of the pending license application is BLH-941031KD. This amendment covers the replacement of the station's originally authorized main antenna with a new main antenna, which replacement was made necessary by a lightning strike that destroyed the original antenna.

In the event there are any questions concerning this matter, please communicate with the undersigned.

Very truly yours,

Arthur B. Goodkind

Enclosure

FCC 302-FM

FOR
FCC
USE
ONLY

AUDIO

APPLICATION FOR FM
BROADCAST STATION LICENSE

(Please read instructions before completing this form.)

FOR MASS MEDIA BUREAU USE ONLY

FILE NO.

Section I - GENERAL INFORMATION

1. APPLICANT NAME

Monticello Mountaintop Broadcasting, Inc.

RECEIVED

MAILING ADDRESS (Line 1) (Maximum 35 characters)

11 Old Tappan Road

MAY - 1 1995

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CITY

Old Tappan

STATE OR COUNTRY (if foreign address)

New Jersey

ZIP CODE

07675

TELEPHONE NUMBER (include area code)

201-387-7700

CALL LETTERS

WJUX (FM)

OTHER FCC IDENTIFIER (IF APPLICABLE)

FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION 1

2. A. Is a fee submitted with this application?

☐ Yes ☒ No

B. If No, select the appropriate box to indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) or reason a fee is not applicable and go to Question 3.

☐ Governmental Entity ☐ Noncommercial educational licensee ☒ Other (Please explain):

This is an amendment to a pending license application.

C. If item 2.A. is Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

	(A)	(B)	(C)										
	FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY									
(1)	<table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td>0</td><td>0</td><td>0</td><td>1</td></tr></table>	0	0	0	1	<table border="1"><tr><td>\$</td></tr></table>	\$	<table border="1"><tr><td></td></tr></table>	
0	0	0	1										
\$													

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code

	(A)	(B)	(C)										
				FOR FCC USE ONLY									
(2)	<table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td>0</td><td>0</td><td>0</td><td>1</td></tr></table>	0	0	0	1	<table border="1"><tr><td>\$</td></tr></table>	\$	<table border="1"><tr><td></td></tr></table>	
0	0	0	1										
\$													

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE.
THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED
WITH THIS APPLICATION

\$

FOR FCC USE ONLY

Section 1 - GENERAL INFORMATION (Page 2)

3. (a) Has an adverse finding been made or an adverse final action taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?

☐ Yes ☒ No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

☐ Yes ☐ No

NOT APPLICABLE

If the answer to (a) and/or (b) above is Yes, attach as an Exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.

4. For permittees of commercial FM stations only:

Has permittee filed its Ownership Report (FCC Form 323) or ownership certification in accordance with 47 C.F.R. Section 73.3615(b)? See instructions.

☒ Yes ☐ No
☐ Does Not Apply

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See 47 U.S.C. Section 304.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATIONS

5. By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

☒ Yes ☐ No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant Monticello Mountaintop Broadcasting, Inc.	Signature <i>Wesley Weiss</i>
Title President	Date April 28, 1995

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may be necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the Commission's rules. Your response is required to obtain the requested authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. SECTION 552(a)(3).

AMENDED ITEMS

SECTION II - TECHNICAL DATA

1. Select **one** for each item. This application is for a:

(a) ☐ Request for program test authority

☒ Station on automatic program test authority

(b) ☒ Commercial station

☐ Noncommercial station

(c) ☐ Directional antenna

☒ Non-directional antenna

SPECIAL OPERATING CONDITIONS MAY PROHIBIT AUTOMATIC PROGRAM TEST AUTHORITY

2. Call Sign: *WJUX (formerly WXTM)*

3. Frequency or channel: 259 (99.7 MHz) Class: A

4. Community of License:

City Monticello	State NY
---------------------------	--------------------

5. Select **one** that applies and enter the file number(s) on the appropriate line(s). This application:

Amendment to pending application BLH-941031KD which:

(a) ☒ covers a construction permit. Original file number: BPH-910214MD

as modified by: BMPH-920214IC

as extended by: BMPH-931206JD & BMPH-940818JA

as replaced by: _____

(b) ☐ modifies a license, file number: _____

6. Is this application being filed pursuant to MM Docket No. 88-375 (Class A Upgrade)? See instructions.

☐ Yes ☒

If YES, attach the supplemental Exhibit to this application.

Exhibit No.
N/A

IF YOU SELECTED 5(b), "MODIFIES A LICENSE," PROCEED TO ITEM 8.

7. Expiration date of construction permit:

Month 4	Day 14	Year 95
-------------------	------------------	-------------------

*License Application filed October 31,

**THIS APPLICATION MUST BE ON FILE WITH THE COMMISSION BEFORE THE
EXPIRATION DATE OF YOUR CONSTRUCTION PERMIT. SEE INSTRUCTIONS.**

AMENDED ITEMS

SECTION II - TECHNICAL DATA (Part 2)

8. Description of facilities authorized by the construction permit or license noted in Item 5(a) or 5(b).

(a) Antenna coordinates:	<u>41</u> ⁰ <u>45</u> ' <u>9</u> " N. Lat.	<u>74</u> ⁰ <u>43</u> ' <u>1</u> " W. Lon.
	Horizontal	Vertical
(b) Effective radiated power:	<u>6.0</u> kW	<u>6.0</u> kW
(c) Beam tilt effective radiated power (if applicable):	<u>N/A</u> kW	<u>N/A</u> kW
(d) Radiation center above ground:	<u>72</u> meters	<u>72</u> meters
(e) Radiation center above mean sea level:	<u>544</u> meters	<u>544</u> meters
(f) Antenna height above average terrain:	<u>91</u> meters	<u>91</u> meters
(g) Overall tower height above ground (including antenna, all other appurtenances, and lighting, if any):	<u>86</u> meters	

9. Description of facilities as constructed:

(a) Antenna coordinates:	<u>41</u> ⁰ <u>45</u> ' <u>9</u> " N. Lat.	<u>74</u> ⁰ <u>43</u> ' <u>1</u> " W. Lon.
	Horizontal	Vertical
(b) Effective radiated power:	<u>6.0</u> kW	<u>6.0</u> kW
(c) Beam tilt effective radiated power (if applicable):	<u>N/A</u> kW	<u>N/A</u> kW
(d) Radiation center above ground:	<u>72</u> meters	<u>72</u> meters
(e) Radiation center above mean sea level:	<u>544</u> meters	<u>544</u> meters
(f) Antenna height above average terrain:	<u>91</u> meters	<u>91</u> meters
(g) Overall tower height above ground (including antenna, all other appurtenances, and lighting, if any):	<u>86</u> meters	

10. Are there any differences between the facilities described in Item 8 and those in Item 9?

☐ Yes ☒ No

IF YES, YOU MAY NOT BE ABLE TO USE THIS FORM. SEE INSTRUCTIONS.

Attach an Exhibit explaining in detail how these differences occurred.

Exhibit No.
N/A

11. Attach an Exhibit that demonstrates compliance with the special operating conditions, terms, and obligations described in the construction permit.

Exhibit No.
*

☐ Does Not Apply

*See Engineering Statement

CONVERSION TO AND FROM METRIC:

METERS = 0.3048 X FEET

FEET = 3.281 X METERS

AMENDED ITEMS

SECTION II - TECHNICAL DATA (Page 3)

12. Antenna description:

Make	Model Number	Number of Sections	Power Gain
ERI	*LPX-3E*	3	*1.5588*

If the antenna utilizes beam tilt, null fill, reduced spacing (less than one wavelength) between bays or the antenna is directional or specialized, an Exhibit must be attached. SEE INSTRUCTIONS.

Exhibit No.
N/A

13. Transmission line system description:

(a) Transmission line:

Make	Model Number	Length in Meters
Andrew	*HJ7-50A*	79.25 meters

(b) Percent efficiency of entire transmission line system: *88.3* %

If any losses are included in 13(b) other than the loss of the transmission line listed in 13(a), attach an Exhibit detailing these additional losses. See Instructions.

Exhibit No.
N/A

14. Transmitter power output (in kilowatts): *4.36* kW

SEE INSTRUCTIONS TO CALCULATE TPO.

15. Operating constants:

(a) D.C. plate current in last radio stage (amperes): *1.136* A

(b) Applied D.C. voltage in last radio stage (volts): 5,400 V

(c) Efficiency of transmitter at operating power (percent): 71 %

(d) RF transmission line meter reading (percent): 100 %

SEE INSTRUCTIONS TO CHECK OPERATING CONSTANTS.

16. Is the main studio within the 3.16 mV/m (70 dBu) field strength contour of the main facility?

☒ Yes ☐ No

If NO, attach an Exhibit pursuant to the Instructions.

Exhibit No.
N/A

17. Location of Main Studio: (P.O. BOXES ARE UNACCEPTABLE)

Street Address or Location Description		
Old Route 17		
City	County	State
Ferndale	Sullivan	NY

CONVERSION TO AND FROM METRIC:

METERS = 0.3048 X FEET FEET = 3.281 X METERS

SECTION II - TECHNICAL DATA 4)

18. Location(s) of Remote Control Point(s):

(a)

Street Address or Location Description

Old Route 17

City

Ferndale

County

Sullivan

State

NY

(b)

Street Address or Location Description

75 Second Street

City

Dumont

County

Bergen

State

NJ

If there are additional remote control points, attach an Exhibit which describes their locations.

Exhibit No.

19. Location of Antenna Site:

Street Address or Location Description

East Mongaup Road

City

5.6 km south-southeast of Liberty

County

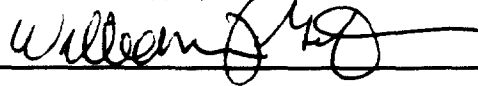
Sullivan

State

NY

20. CERTIFICATION OF PREPARER

I certify that I represent the applicant in the capacity indicated below and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief.

Name (please print or type)	Signature (check appropriate box below)	
William J. Getz		
Address (include ZIP Code)	Date	
Carl T. Jones Corporation 7901 Yarnwood Court Springfield, VA 22153	April 26, 1995	
	Telephone No. (include Area Code)	
	(703) 569-7704	

☐ Technical Director☐ Registered Professional Engineer☐ Chief Operator☒ Technical Consultant☐ Other (specify)

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PAPERWORK REDUCTION ACT

Public reporting burden for this collection of information is estimated to average 4 hours per response. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Information Resources Branch, Room 416, Paperwork Reduction Project, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0506), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

CARL T. JONES
CORPORATION

**STATEMENT OF WILLIAM J. GETZ
IN SUPPORT OF AN AMENDMENT TO
AN APPLICATION FOR LICENSE
WJUX(FM) [formerly WXTM(FM)] - MONTICELLO, NEW YORK
CHANNEL 259A - 6.0 kW - 91 m HAAT**

Prepared For: Monticello Mountaintop Broadcasting, Inc.

I am a Radio Engineer, an employee in the firm of Carl T. Jones Corporation, with offices located in Springfield, Virginia. My education and experience are a matter of record with the Federal Communications Commission.

This office has been authorized by Monticello Mountaintop Broadcasting, Inc. ("Mountaintop"), to prepare this statement and a revised Section II of FCC Form 302-FM in support of an amendment to the pending Application for License (FCC File No. BLH-941031KD) to cover the WJUX(FM) [formerly WXTM(FM)], Monticello, New York, outstanding Construction Permit (File No. BPH-910214MD, as modified by BMPH-920214IC and extended).

By letter dated April 13, 1995, Mountaintop informed the Federal Communications Commission that the WJUX(FM) main antenna suffered a lightning strike on April 4, 1995 and the station began operation with an emergency transmitting antenna on April 12, 1995 (see attached). The main antenna, which was specified in the original Application for License, was damaged beyond repair and a new 3-bay nondirectional antenna was installed in its place on April 22, 1995. In addition, the entire length of the transmission line was replaced because of extensive damage as a result of the lightning strike. Radio

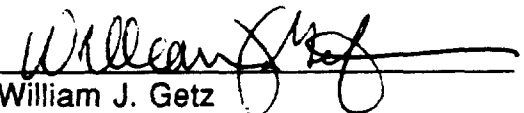
STATEMENT OF WILLIAM J. GETZ
WJUX(FM) - MONTICELLO, NEW YORK
PAGE 2

Station WJUX(FM) began operation with the new antenna/transmission line on April 22, 1995. This amendment sets forth the technical specifications of the new transmission system.

A new ERI LPX-3E, 3-bay, nondirectional antenna replaces the original 3-bay Cablewave CFMLP-3 nondirectional antenna. Because the ERI antenna is rated by the manufacturer with a slightly greater power gain than the Cablewave antenna, this amendment also reflects a slight decrease in Transmitter Power Output (TPO) to maintain the authorized Effective Radiated Power. The new antenna was installed in the same vertical aperture as the old antenna at the identical radiation centerline height above ground level. There are no further changes in system gains or losses. A complete description of the technical parameters of the WJUX(FM) transmission system is provided in Section II of the attached, revised, FCC Form 302-FM.

It is submitted that the WJUX(FM) main facility is in compliance with FCC technical standards and is operating in accordance with the terms and conditions as set forth in the outstanding Construction Permit.

DATED: April 26, 1995


William J. Getz

CARL T. JONES
CORPORATION

STAMP

RECEIVED
APR 14 '95
FEDERAL COMMUNICATIONS
COMMISSION
SECRETARY

April 13, 1995

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Dear Mr. Caton:

This letter is submitted on behalf of Monticello Mountaintop Broadcasting, Inc., licensee of WXTM(FM), Monticello, New York. The main antenna suffered a lightning strike on April 4, 1995. On April 11, 1995, the damage to the main antenna became apparent and an emergency transmitting antenna was installed near the top of the existing tower structure. In order to maintain service to the public WXTM(FM) was forced to commence operation with the emergency transmitting antenna on April 12, 1995. The purpose of this letter is to request authority to continue operation with the emergency antenna until the necessary repairs are completed on the main transmit antenna.


The technical specifications of the emergency operation are as follows:

Transmitter Power Output	2.5 kW
Transmission Line	300 feet, 7/8-inch foam dielectric
Transmission Line Efficiency	77.6%
Emergency Antenna	1-bay, horizontal polarization only, gain=0.5
Effective Radiated Power	1.0 kW
Antenna Height	557 meters Above Mean Sea Level

The addition of the emergency antenna will not contribute to the overall height of the existing support structure and all painting and lighting requirements on the tower shall be maintained. The predicted 1.0 mV/m contour of the emergency operation will be wholly within the licensed WXTM(FM) 1.0 mV/m contour.

In the event there are any questions concerning this matter, please contact the undersigned.

Sincerely,


William J. Getz

WJG/law

cc: Wesley R. Weis
Art Goodkind, Esq.

DOCUMENT OFF-LINE

This page has been substituted for one of the following:

✓ An oversize page or document (such as a map) which was too large to be scanned into the RIPS system.

✓ Microfilm, microform, certain photographs or videotape.

o Other materials which, for one reason or another, could not be scanned into the RIPS system.

The actual document, page(s) or materials may be reviewed by contacting an Information Technician. Please note the applicable docket or rulemaking number, document type and any other relevant information about the document in order to ensure speedy retrieval by the Information Technician.

Exhibits 33, 34, ~~35~~, 38, 39 & 40